

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL NO. 3:02CR55-2
(Judge Bailey)**

SHANNON JAMES BARNEY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION ON PETITION TO
REVOKE SUPERVISED RELEASE**

On April 13, 2007, the defendant's supervising probation officer, John C. Miller, filed a petition to revoke the defendant's supervised release (Doc. 116) alleging that the defendant violated the terms of his supervision by failing to report to the probation officer as directed. On May 1, 2007, United States Magistrate Judge David J. Joel conducted a hearing on the petition. At the hearing, the parties informed the Court that they had reached an agreement in regard to the alleged violations. Pursuant to that agreement, the defendant admitted guilt to the violations in exchange for the United States' recommendation that the defendant receive a five month sentence with four months suspended and no supervision to follow.

On May 3, 2007, Magistrate Judge Joel issued his written Report and Recommendation (Doc. 122) recommending that the parties' agreement be given effect. Magistrate Judge Joel's Report and Recommendation informed the parties that they could file written objections within 10 days of service, and warned that a failure to file objections would waive the party's appellate rights should this Court adopt the Magistrate Judge's recommendations. 28 U.S.C. § 636(b)(1); **Thomas v. Arn**, 474 U.S. 140 (1985). To date,

neither party has filed objections to the Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1), this Court conducted a de novo review of the above. As a result, the Court is of the opinion that the **Magistrate Judge's Report and Recommendation (Doc. 122)** should be, and is hereby, **ORDERED** adopted. As such, the Court now **REVOKES** the defendant's supervised release, and institutes a term of five months incarceration with four months suspended, and with no supervision to follow.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the defendant and all counsel of record.

Entered this 1st day of June, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE